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GOVERNMENT OF MYSORE.

LABOUR DEPARTMENT.

NOTIFICATION.

No. L.S. 3851—L.W. 265-51-18, dated Bangalore, 11th October 1952.

Labour Dispute—Industrial Dispute between Workers and Management of the Beedi Factories, Kolar. Award of the Industrial Tribunal, Bangalore—Published.

Read the following papers :—

1. Letter No. Nil, dated 22nd September 1952, from Sri B. R. Ramalingaiah, M.A., B.L., Chairman, Industrial Tribunal, Bangalore.

BEFORE THE INDUSTRIAL TRIBUNAL, BANGALORE.

Saturday, the 13th September 1952

Present :

Sri B. R. Ramalingaiah, M.A., B.L.	... *Chairman.*
Sri Mahmood Sheriff, B.A., LL.B.	... *Member.*
Sri K. Shamaraja Iyengar, B.A.	... *Member.*

I. C. 18—51-52.

INDUSTRIAL DISPUTE BETWEEN THE WORKERS AND THE MANAGEMENT OF THE KOLAR DISTRICT BEEDI FACTORIES.

AWARD.

This is an Industrial Dispute between the Workers of the Kolar District Beedi Factories represented by their President Sri L. Roshan Khan, who are the claimants in this case, and the Manufacturers of the Kolar District Beedi Factories represented by their President Sri Subhan Khan, who are the Respondents. The said dispute had been referred under Section 10 (1) (c) of the Industrial Disputes Act, 1947, to the previous Tribunal, which was constituted in Notification No. L.S. 1075—L.W. 68-58-2, dated 15th June 1951. As the term of the said Tribunal expired on 15th June 1952 and as the said reference remained undisposed of, it was referred to the present Tribunal, which was constituted in Notification No. L.S. 1515—L.W. 131-52-1, dated 27th June 1952. In Schedule I to the Notification which referred this dispute to the Tribunal for adjudication, the names of the several beedi factories in Kolar District between whom and their workers there has been this alleged dispute, are given and in Schedule II of the Notification are given the demands made by the claimants, and which are resisted by the Manufacturers and which form the subject matter for adjudication by this Tribunal. These demands as set out in the 2nd Schedule are as follows :—

(1) Increasing the wages from Rs. 1-9-0 as at present to Rs. 1-14-0 per thousand beedies.

(2) Grant of Dearness Allowance at the rate of Re. 0-4-0 per thousand beedies.

(3) Giving full-time work to workers as before.

(4) Grant of Bonus to the workers at the rate of Rs. 20 per worker per year.

After this dispute was referred, it was registered by the Tribunal as I.C. 18—51-52 and the parties were notified of the said reference made to the Tribunal for adjudication, and summoned to apper. On receipt of the said summons on 12th March 1952, the claimant's association appeared by its President the said Sri L. Roshan Khan and the Manufacturers' Association, by its President the said Sri Subhan Khan. As neither party had any objection to the other party appearing by a counsel and as the Tribunal granted to the parties leave to appear by counsels, Sri Gulur Srinivasa Rao, Advocate appeared for the President of the Manufacturers' Association and filed his Vakalat, and Sri K. B. Thimmiah, Pleader, Kolar, appeared for the President of the Workers' Association and filed his vakalat.

On 21st April 1952 the President of the Workers' Association filed the statement of claims on behalf of the workers. On 21st May 1952 the President of the Manufacturers' Association filed the written statement in reply to the statement of claim of the workers. On 11th July 1952 the Tribunal called upon the Workers' Association to file its reply to the written statement of the Manufacturers, by 19th July 1952. The Workers' Association did not file the reply on 19th July 1952 and on the subsequent dates *i.e.*, 24th July 1952, 27th July 1952, 30th July 1952 and 16th August 1952. On 16th August 1952 a last chance was given to the Workers to file the reply by 20th August 1952. On 20th August 1952 the Workers' Association and their counsel were absent and no reply to the written statement of the employers was filed that day too. A final chance was given that day to the claimants to file their reply by 30th August 1952. The Tribunal ordered on that day the issue of notices to the President of the Workers' Association calling upon him to file his reply by 30th August 1952 and informing him that if he failed to come and file his reply, the case would be proceeded with *ex parte* as against the workers. On 30th August 1952, when the case camp up for hearing, the workers' representative, the said Sri L. Roshan Khan and his counsel were both absent. As the notices had not been properly served, the Tribunal ordered fresh notices to be served on them by the Assistant Commissioner of Labour, Kolar Division, and adjourned the case to 6th September 1952. On 6th September 1952, the President of the Workers' Association, the said Sri L. Roshan Khan and his counsel Sri K. B. Thimmiah, were both absent. The notices issued to the Assistant Commissioner of Labour, Kolar Division, for service on them for that day, which were returned by him, show that they had been personally served on the said Sri L. Roshan Khan and his counsel Sri K. B. Thimmiah, on 6th September 1952. As they were absent in spite of personal service, the Tribunal had no other alternative except to proceed with the case *ex parte* against the workers. Accordingly the Tribunal heard the arguments of the counsel for the Manufacturers' Association, who was present, and reserved the case for orders. On that day we received a letter dated 5th September 1952 purporting to have been written by one Sri L. Roshan Khan praying for an adjournment. As no action could be taken on the motion for the adjournment contained in this letter, and as many adjournments had already been given to the workers, further adjournments, as prayed for in the letter cannot be granted for appearance and prosecution of their case.

It is seen from the history of the case as noticed above, that the workers (claimants) have not been diligent at all in the prosecution of their case. As the Manufacturers contest the demands *in toto*, the workers should have prosecuted their case diligently and substantiate their claim. Having regard to the defence of the Manufacturers as set out in their written statement, clarification on certain points raised by them was necessary and hence the workers were called upon to file their reply. In their statement of claims also the workers have stated that they would file supplemental statement of claim. The workers have neither filed

a supplemental statement of claim nor filed their reply to the written statement of the Manufacturers though several chances were given to them. As they have failed to come and prosecute their case, the Tribunal has no other alternative except to hold that their claim to the several demands made in their statement of claims, which are those referred to in Schedule II of the reference, is untenable and unwarranted as contended by the Manufacturers in the written statement, and hence their demands have to be rejected. Hence we reject their aforesaid demands and to this effect make our Award. We make no orders as to the costs. The Award shall be submitted to Government for publication in the Official Gazette, under Section 17 of the Industrial Disputes Act, 1947.

B. R. RAMALINGAIAH,
Chairman.
MAHMOOD SHERIFF,
Member.
K. SHAMARAJA IYENGAR,
Member.

ORDER No. L.S. 3851—L.W. 285-51-13, DATED BANGALORE, THE 11TH OCTOBER 1952.

Whereas by State Government Notification No. L.S. 4580—L.W. 285-51-9, dated the 15th February 1952, the Industrial Dispute between Workers and Management of the thirteen Beedi Factories of Kolar District, specified in Schedule I of the said Notification, was referred to the Industrial Tribunal, Bangalore, for adjudication;

And whereas the Industrial Tribunal has submitted to the State Government its Award in respect of the said Industrial Dispute;

Now, therefore, in exercise of the powers conferred by Section 17 of the Industrial Disputes Act, 1947 (Central Act XIV of 1947), the Government of Mysore are pleased to direct the publication of the said Award, as above in the *Mysore Gazette.*

By Order of His Highness the Maharaja,

N. R. JAYA RAO,
Secretary to Government,
Law Department.